Remarks

Claims 2-22 and 32-34 are pending.

Claim 1 was canceled, without prejudice.

REJECTIONS UNDER 35 U.S.C. § 103(a)

The Examiner rejects Claims 1-3, 8-10, 22, 32 and 34 on the ground of being unpatentable over U.S. Patent Application Publication No. 2004/0233855 (Gutierrez et al.) in view of U.S. Patent Application Publication No. 2004/0260407 (Wimsatt) and further in view of U.S. Patent No. 6,924,735 (Ueda et al.).

Gutierrez et al. discloses a "network device" (ND) that is a communicating device (*e.g.*, a portable communicating device; a fixed communicating device, such as, for example, switches, motion sensors or temperature sensors as employed in a wirelessly enabled sensor network), which participates in an ad-hoc communication network. The ND 14 includes an antenna port 82, RF front-end transceiver 84, micro-controller core 86 having ROM 88 and RAM 90, programming port 92, and sensor bus 94. The sensor bus 94 may include, for example, more or more analog-to-digital inputs, one or more digital-to-analog outputs, one or more UART ports, one or more Serial Peripheral Interface (SPI) and one or more digital I/O lines (not shown).

Wimsatt discloses a home automation and control architecture that includes one or more controlled devices and one or more control panels coupled by a communication network. Wireless networking components such as a wireless access point/router 105 and wireless control panels 107 may be employed. A "home" screen shows the normal state of a control panel 101 from which other control functionality can be reached. The home screen includes a thermostat display indicating room temperature and/or outside temperature, either of which may be measured by the control panel 101 itself, or be obtained from a remote device or other control panel 101. Any control panel 101/107 (or PC 129) may send a control message relevant to any particular controlled device. Each control panel 101/107 is aware of controlled devices and subsystems that it can directly access, and implement a message broker process that listens for control messages relevant to those devices/subsystems. The message broker is able to generate command and control messages directed to any other control panel 101/107 as well as respond to command and control messages from other control panels 101/107. The message broker server processes interpret the command messages and generate appropriate device-specific signaling to implement a command on the controlled device or subsystem. Similarly, status signals from controlled devices are interpreted and the

message broker process generates network-compatible control messages that are distributed to the control panels 101/107. When a control panel 101 is coupled to a controlled device or subsystem, it interrogates that device or subsystem to learn details of the control interface of that particular system. Wimsatt also discloses (¶46) that an optional audio subsystem may be provided to drive integrated speakers. Similarly, some sensory I/O may be desired to sense room temperature, or motion detectors to sense activity in proximity with control panel 101.

Ueda et al. discloses a vehicular remote control system 10 including a vehicle-mounted unit 16 as a vehicular controller mounted on a vehicle 12 and a portable unit 18 which is carried by the user, such as the driver, of the vehicle 12 for performing radio communications with the vehicle-mounted unit 16. The vehicle 12 has an RF unit including an RF antenna 40 and an RF transceiver circuit 42. Mutual RF communications for authentication are carried out between the control unit 80 of the vehicle-mounted unit 16 and the control unit 100 of the portable unit 18 when an RF signal transmitted from the vehicle 12 through the RF antenna 40 is received by the portable unit 18 through the RF antenna 104 and an RF signal transmitted from the portable unit 18 through the RF antenna 104 is received by the vehicle 12 through the RF antenna 40. The vehicle-mounted unit 16 further includes LF transmitter circuits 58, 60 connected respectively to the extravehicular LF antenna 48, and the extravehicular LF antenna 50. LF signals which are supplied from the LF transmitter circuits 58, 60 are transmitted respectively through the extravehicular LF antenna 48, and the extravehicular LF antenna 50 to the portable unit 18, and received by the LF receiver circuit 106 through the LF antenna 108. In this manner, request signals for requesting the transmission of an identification signal are transmitted from the vehicle-mounted unit 16 to the portable unit 18. The RF signal is used in mutual communications between the portable unit 18, which is protected for security, and the vehicle-mounted unit 16, to enable the vehicle-mounted unit 16 to authenticate the portable unit 18 with identification information representative of an identification (ID) signal and a cryptographic code, and also to shorten the time required to authenticate the portable unit 18 via such mutual communications.

The effective transmission ranges TA3, TA4 (Figure 4) of the extravehicular LF antennas 48, 50 are limited within predetermined circular spaces outside the vehicle 12, each having a diameter which is substantially equal to the arm's length of the driver of the vehicle 12. When the portable unit 18 is located outside the vehicle 12, the position of the portable unit 18 can be detected in a range ETO (Figure 4) outside the

vehicle 12 which is enclosed by the thick solid line representing the effective transmission ranges TA3, TA4 of the extravehicular LF antennas 48, 50 for request signals. The range ETO is also referred to as near the vehicle, near the doors, or around the vehicle.

Claim 32 is an independent claim, which recites, *inter alia*, a system for a structure comprising: a portable fob comprising: a portable housing; a first wireless port wirelessly communicating with a wireless port of a server; a second port configured for communication with a second port of one of a plurality of sensors when the second port of the portable fob engages the second port of the one of the sensors; a processor operatively associated with the first wireless port of the portable fob, the second port of the portable fob, a user input device and a display, the processor being configured to receive engagement information from the second port of the portable fob, the processor being configured to select sensor information responsive to the user input device, the sensor information describing the one of the sensors, the processor being configured to send the sensor information to the wireless port of the server from the first wireless port of the portable fob.

The Examiner states (Office Action, page 4, second paragraph) that Gutierrez et al. discloses "when the programming port of said ND (read as portable fob) is proximate to the programming port (92) (read as second port) of said one of said ND's…". This statement is respectfully traversed as applied to Claim 32, which recites when the second port of the portable fob ***engages*** the second port of the one of the sensors.

It is submitted that the Examiner points to no teaching or suggestion in Gutierrez et al. to support this conclusion.

"[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness". *See In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed Cir. 2006).

A reasonable, common sense interpretation of the micro-controller core 86 and programming port 92 of Gutierrez et al. is that when a programming device (not shown) is electrically connected to the programming port 92, it writes programming information to ROM 88.

It is submitted that the only disclosure in Gutierrez et al. regarding the programming ports 92 (Figures 7 and 8) is that the "micro-controller core 86 ha[s a] … programming port 92". Through common sense, at best, one might infer that a programming device (not shown) would be structured to program the micro-controller

core 86 of either the ND 14 and the NC 24 through the programming port 92, which is structured to communicate with the programming device. However, there is clearly no teaching or suggestion in Gutierrez et al. that any such programming ports 92 could be connected to each other and, much less, that such programming ports 92 would be connected to each other by being engaged physically with one another. Indeed, the preponderance of the evidence clearly supports Applicants' common sense position, which is supported by rational underpinnings.

Therefore, Gutierrez et al. does not teach or suggest plural sensors each including a first wireless port and a second port, and a portable fob comprising a first wireless port and a ***second port*** configured ***for communication with*** such ***second port of one of*** such ***sensors when*** such ***second port of*** such ***portable fob engages*** such ***second port of*** such ***one of*** such ***sensors***.

Furthermore, a port that is configured for communication with a programming device (not shown) does not teach or suggest this structure. The programming ports 92 of Gutierrez et al., which separately communicate with only a programming device (not shown), are clearly not capable of communication with each other. This is clearly true, as shown in Figures 7 and 8 of Gutierrez et al., where such ports clearly do not communicate with each other. Furthermore, even if such ports might somehow be ***engaged*** to one another, although this is not admitted, it is respectfully submitted that the Examiner can point to no teaching or suggestion that they could or would communicate with each other. Instead, they communicate with a programming device (not shown).

Even if the micro-controller core 86 might receive "engagement information", although this is not admitted, any such hypothetical information would be from a programming device (not shown), as was discussed above, and would not be a portable fob comprising a second port configured for communication with a second port of a sensor when such second port of such portable fob ***engages*** such second port of such sensor.

It is submitted that Wimsatt and Ueda et al., which the Examiner cites for a proximity sensor, add nothing to Gutierrez et al. in this regard.

Therefore, for at least the above reasons, Claim 32 patentably distinguishes over the references.

Claims 2, 3 and 8-10 depend either directly or indirectly from Claim 32 and patentably distinguish over the references for at least the same reasons.

Furthermore, Claim 2 recites that the second port of the portable fob temporarily or momentarily ***mates*** with the second port of such one of the sensors.

The Examiner states (Office Action, page 6) that "it would be a trivial task to use the available programming ports to connect them together". It is respectfully submitted that the Examiner reaches this conclusion by the use of hindsight which is improper. It is submitted that the Examiner does not address this previously-raised point on pages 6 and 7 of the Office Action.

Furthermore, the Examiner points to no teaching or suggestion in Gutierrez et al. to support this conclusion. It is submitted that the Examiner does not address this previously-raised point on pages 6 and 7 of the Office Action.

Moreover, it is respectfully submitted that the Examiner's position is repugnant to the disclosure of Gutierrez et al.. It is submitted that the only disclosure in Gutierrez et al. regarding the programming ports 92 (Figures 7 and 8) is that the "micro-controller core 86 ha[s a] … programming port 92". Through common sense, at best, one might infer that a programming device (not shown) would be structured to program the micro-controller core 86 of either the ND 14 and the NC 24 through the programming port 92, which is structured to communicate with the programming device. As such, the programming ports 92 do not communicate with each other and, thus, are not connected together (as stated by the Examiner) or mated (temporarily or momentarily ***mates***) as made expressly clear by the refined recital of Claim 2.

Although the Examiner argues (Office Action, page 7) that the programming ports 92 would "allow the transfer of data for the purpose of programming and uploading/downloading information", the preponderance of the evidence is that any such programming requires a separate programming device (not shown) to program the ROM 88. It is clear then that nothing in the references or common sense supports the Examiner's position that the programming ports 92 would temporarily or momentarily ***mate*** with one another.

It is submitted that Ueda et al., which the Examiner cites for a proximity sensor, adds nothing to Gutierrez et al. in this regard.

It is submitted that Wimsatt adds nothing to Ueda et al. and Gutierrez et al. in this regard.

Therefore, Claim 2 further patentably distinguishes over the references.

Furthermore, Claim 3 recites that the second port of the portable fob includes a ***contact***, which closes when the second port of the portable fob temporarily or momentarily ***mates*** with the second port of such one of the sensors.

The Examiner admits (Office Action, page 7) that Gutierrez et al. does not teach or suggest the recited contact of Claim 3.

The Examiner states that "it would be inherent in the art for the contacts to close in order to make the connection and communication between the two devices operable." It is respectfully submitted that the Examiner reaches this conclusion by the use of hindsight which is improper. It is submitted that the Examiner does not address this previously-raised point on page 7 of the Office Action.

Furthermore, the Examiner points to no teaching or suggestion in Gutierrez et al. to support this conclusion. Through common sense, at best, one might infer that a programming device (not shown) electrically communicates through the programming port 92. No such "contact" is taught or suggested by that electrical structure.

Quite simply, a programming port 92, is not a "contact" as that term is reasonably understood by a skilled person in view of the present specification. See, for example, page 33, lines 11-19 of the present specification.

As to the Examiner's inherency argument, it is respectfully submitted that the Examiner has not made clear that any contact is necessarily present in the programming port 92 of Gutierrez et al. and that this would be so recognized by persons of ordinary skill. Furthermore, the Examiner has not presented any evidence that this refined recital is inherent in the single cited reference. It is submitted that the Examiner does not address this previously-raised point on page 7 of the Office Action.

It is submitted that Wimsatt and Ueda et al., which the Examiner cites for a proximity sensor, add nothing to Gutierrez et al. in this regard. Therefore, Claim 3 further patentably distinguishes over the references.

Furthermore, Claim 8 recites that the server further includes a second port; and that the second port of the portable fob temporarily or momentarily ***mates*** with the second port of the server. Claim 8 further patentably distinguishes over the references for similar reasons as were discussed above in connection with Claim 2.

Furthermore, Claim 9 recites that the second port of the portable fob includes a ***contact***, which closes when the second port of the portable fob temporarily or momentarily ***mates*** with the second port of the server. Claim 9 further patentably

distinguishes over the references for similar reasons as were discussed above in connection with Claim 3.

Furthermore, Claim 10 recites that the portable fob and the server cooperate to configure at least one of the portable fob and the server after the second port of the portable fob temporarily or momentarily mates with the second port of the server.

As was discussed above in connection with Claim 2, the programming ports 92 of Gutierrez et al. do not communicate with each other and, thus, are not connected together as was argued by the Examiner. Hence, it cannot be said that Gutierrez et al. teaches or suggest that a second port of a portable fob temporarily or momentarily ***mates*** with a second port of a server. The programming ports 92 of Gutierrez et al. do not communicate with each other and, thus, are not connected together (as stated by the Examiner) or mated (temporarily or momentarily ***mates***) as made expressly clear by the refined recital of Claim 10.

Furthermore, it necessarily follows that there can be no teaching or suggestion in Gutierrez et al. that a portable fob and a server cooperate to configure at least one of such portable fob and such server after a second port of a portable fob temporarily or momentarily ***mates*** with a second port of such server.

It is submitted that Wimsatt and Ueda et al., which the Examiner cites for a proximity sensor, add nothing to Gutierrez et al. in this regard. Therefore, Claim 10 further patentably distinguishes over the references.

Claim 22 is an independent method claim, which recites, *inter alia*, a method of configuring a component of a system for a structure comprising: employing a portable fob; communicating a signature from the component to a server responsive to placing the portable fob proximate the component in order to configure the component as part of the system; employing a sensor as the component; communicating the signature from the sensor to the server responsive to placing the portable fob proximate the sensor; communicating a message from the portable fob to the server responsive to detected proximity information; and receiving both of the signature and the message at the server before configuring the sensor as part of the system for a structure.

It is submitted that the Examiner does not make reference to the recital of communicating a signature from the component to a server responsive to placing the portable fob proximate the component ***in order to configure the component as part of the system***.

As to the recital of receiving both of a signature and a message at a server before configuring a sensor as part of a system, the Examiner relies (Office Action, page 9, last two lines; and page 10, lines 1-2) upon paragraphs 0074, 0075 and 0079 of Gutierrez et al..

Gutierrez et al. paragraph 0074 provides that (Figure 4B) nearest one-hop NDs 14 (as shown by ND1, ND6 and ND7) are accepted in the network 23 through node links 26. Then, as shown by Figure 4C, the connected one-hop NDs 14 (as shown by ND1 and ND7) can relay a connect request from farther NDs 14 (as shown by ND2 and ND3 with ND1, and by ND8 and ND9 with ND7) in order that the NC 24 may accept them in the network 23 through the node links 28.

Gutierrez et al. paragraph 0075 provides that a network joining procedure applies to NDs 14 not connected (e.g., as shown in Figures 4A-4C) and wanting to join the network 23. Each ND 14 proactively identifies neighbor NDs 14 already connected to the network 23. Any ND 14 within the range of this particular ND 14 will acknowledge its presence by identifying itself and reporting its capabilities. The ND 14 builds a routine table 30 (Figure 6) with all the gathered information, which is the principal tool employed for upstream routing. The ND 14 sends a request to be connected to the network 23 by sending a message to the NC 24. The NC 24 gives back a confirmation message to the ND 14. If the ND 14 is accepted, then, at this point, the ND 14 is connected to the network 23.

Gutierrez et al. paragraph 0079 provides that in an "upstream transfer" mode 36, every time a message, such as 32, is passed from one ND 14 (e.g., ND11) to another ND 14 (e.g., ND9), the identifiers (e.g., addresses) associated with each relaying ND 14 are added to the message, thereby creating a source route, as shown by messages 32,40,42. Then, when the NC 24 receives a message, it determines the path which that message followed and this information is included into the NC routing table (e.g., 30B as shown in Figure 6).

It is submitted that Gutierrez et al. does not teach or suggest communicating a signature from a component to a server ***responsive to placing*** a ***portable fob proximate*** such ***component in order to configure*** such ***component as part of*** a ***system***; and employing a ***sensor*** as such component.

It is submitted that Wimsatt adds nothing to Gutierrez et al. in this regard.

In Ueda et al., it is submitted that there is no teaching or suggestion of communicating a signature from a sensor to a server responsive to placing a portable fob

proximate such sensor ***in order to configure*** such ***sensor as part of*** a ***system***. Instead, request signals for requesting the transmission of an identification signal are transmitted from the vehicle-mounted unit 16 to the portable unit 18, and an RF signal used in mutual communications between the portable unit 18 and the vehicle-mounted unit 16 enable the vehicle-mounted unit 16 to authenticate the portable unit 18 with identification information representative of an identification (ID) signal and a cryptographic code. This permits the portable unit 18 to then unlock the door of the vehicle-mounted unit 16. This has nothing to do with ***configuring*** a ***sensor*** as part of a system.

Accordingly, for at least the above reasons, Claim 22 patentably distinguishes over the references.

Claim 34 is an independent method claim which recites, *inter alia*, a method of configuring a sensor comprising: employing a portable fob; engaging the portable fob with the sensor and responsively detecting engagement information by the portable fob; communicating a signature from the sensor to a server responsive to engaging the portable fob with the sensor; communicating a message from the portable fob to the server responsive to the detected engagement information; receiving both of the signature and the message at the server before configuring the sensor as part of the system for a structure; and displaying a confirmation at the portable fob that the sensor was configured.

The Examiner refers (Office Action, page 9) that Gutierrez et al. (paragraphs 0074, 0075 and 0168) discloses "detecting proximity information by a proximity sensor of said portable fob". This statement is respectfully traversed as applied to Claim 34, which recites ***engaging*** the portable fob with the sensor and responsively detecting ***engagement*** information by the portable fob.

The Examiner points to no teaching or suggestion in Gutierrez et al. to support this conclusion.

A reasonable, common sense interpretation of the micro-controller core 86 and programming port 92 of Gutierrez et al. is that when a programming device (not shown) is electrically connected to the programming port 92, it writes programming information to ROM 88.

It is submitted that the only disclosure in Gutierrez et al. regarding the programming ports 92 (Figures 7 and 8) is that the "micro-controller core 86 ha[s a] … programming port 92". Through common sense, at best, one might infer that a programming device (not shown) would be structured to program the micro-controller

core 86 of either the ND 14 and the NC 24 through the programming port 92, which is structured to communicate with the programming device. However, there is clearly no teaching or suggestion in Gutierrez et al. that any such programming ports 92 could be connected to each other and, much less, that such programming ports 92 would be connected to each other by being engaged physically with one another. Indeed, the preponderance of the evidence clearly supports Applicants' common sense position, which is supported by rational underpinnings.

Therefore, Gutierrez et al. does not teach or suggest ***engaging*** a portable fob with a sensor and responsively detecting ***engagement*** information by such portable fob, much less communicating a signature from such sensor to a server ***responsive to engaging*** such portable fob with such sensor, or communicating a message from such portable fob to such server ***responsive to*** such detected ***engagement*** information.

Even if the micro-controller core 86 of Gutierrez et al. might receive "engagement information", although this is not admitted, any such hypothetical information would be from a programming device (not shown), as was discussed above, and would not teach or suggest ***engaging*** a portable fob with a sensor and responsively detecting ***engagement*** information by such portable fob, or communicating a signature from such sensor to a server ***responsive to engaging*** such portable fob with such sensor, or communicating a message from such portable fob to such server responsive to such detected ***engagement*** information.

It is submitted that Wimsatt and Ueda et al., which the Examiner cites for a proximity sensor, add nothing to Gutierrez et al. in this regard.

Therefore, for at least the above reasons, Claim 34 patentably distinguishes over the references.

The Examiner rejects Claims 12-14, 16, 18 and 33 on the ground of being unpatentable over Gutierrez et al. in view of Ueda et al..

Claim 12 is an independent claim, which recites, *inter alia*, a portable fob for a plurality of sensors and a server comprising: a portable housing; a first wireless port configured for wireless communication with the server; a second port configured for communication with one of the sensors or the server when the second port is proximate to one of the sensors or the server, respectively; and a processor operatively associated with the first wireless port, the second port, a user input device and a display, the processor being configured to receive proximity information from a proximity sensor operatively

associated with the second port and responsively communicate with the server through the first wireless port, in order to configure such one of the sensors or the server.

Claim 12 recites that the processor is configured to receive proximity information from a proximity sensor operatively associated with a second port and ***responsively communicate*** with a server through a first wireless port, ***in order to configure*** such a sensor or a server.

The Examiner states (Office Action, page 12, lines 4-6) that Gutierrez et al. reads on "responsively communicate with said server through said first wireless port, in order to configure said one of said sensors or said server (see [0167]; figs 7 and 8)." This statement is respectfully traversed.

As was discussed above, Gutierrez et al. does not teach or suggest a proximity sensor. The Examiner admits (Office Action, page 12) that Gutierrez et al. does not teach or suggest communication with a second port of a sensor when in proximity, or a processor configured to receive proximity information from a proximity sensor operatively associated with a second port of a portable fob. It is submitted that Wimsatt adds nothing to Gutierrez et al. in this regard.

In Ueda et al., it is submitted that there is no teaching or suggestion that a processor of a portable fob is configured to receive proximity information from a proximity sensor operatively associated with a second port and ***responsively communicate*** with a server through a first wireless port, ***in order to configure*** a sensor or a server. Instead, request signals for requesting the transmission of an identification signal are transmitted from the vehicle-mounted unit 16 to the portable unit 18, and an RF signal used in mutual communications between the portable unit 18 and the vehicle-mounted unit 16 enable the vehicle-mounted unit 16 to authenticate the portable unit 18 with identification information representative of an identification (ID) signal and a cryptographic code. This permits the portable unit 18 to then unlock the door of the vehicle-mounted unit 16. This has nothing to do with responsively communicating with a server through a first wireless port, ***in order to configure*** a ***sensor*** or a ***server***.

Therefore, for at least the above reasons, Claim 12 patentably distinguishes over the references.

Claim 33 is an independent claim which recites, *inter alia*, a portable fob comprising a portable housing; a first wireless port configured for wireless communication with a server; a second port configured for communication with one of a plurality of sensors or the server when the second port engages the one of the sensors or the server,

respectively; and a processor operatively associated with the first wireless port, the second port, a user input device and a display, the processor being configured to receive engagement information from the second port and responsively communicate with the server through the first wireless port, in order to configure the one of the sensors or the server.

A reasonable, common sense interpretation of the micro-controller core 86 and programming port 92 of Gutierrez et al. is that when a programming device (not shown) is electrically connected to the programming port 92, it writes programming information to ROM 88.

It is submitted that the only disclosure in Gutierrez et al. regarding the programming ports 92 (Figures 7 and 8) is that the "micro-controller core 86 ha[s a] … programming port 92". Through common sense, at best, one might infer that a programming device (not shown) would be structured to program the micro-controller core 86 of either the ND 14 and the NC 24 through the programming port 92, which is structured to communicate with the programming device. However, there is clearly no teaching or suggestion in Gutierrez et al. that any such programming ports 92 could be connected to each other and, much less, that such programming ports 92 would be connected to each other by being engaged physically with one another. Indeed, the preponderance of the evidence clearly supports Applicants' common sense position, which is supported by rational underpinnings.

Therefore, Gutierrez et al. does not teach or suggest a second port of a portable fob being configured for communication with one of a plurality of sensors or a server when such second port ***engages*** a sensor or a server, respectively; and a processor configured to receive engagement information from such second port and responsively communicate with such server through a first wireless port, in order to configure such sensor or such server.

Even if the micro-controller core 86 of Gutierrez et al. might receive "engagement information", although this is not admitted, any such hypothetical information would be from a programming device (not shown), as was discussed above, and would not teach or suggest that a second port of a portable fob ***engages*** a sensor or a server, much less that recital in combination with a processor configured to receive engagement information from such second port, much less that recital in combination with such processor responsively communicating with such server through a first wireless port, in order to configure such sensor or such server.

It is submitted that Wimsatt and Ueda et al., which the Examiner cites for a proximity sensor, add nothing to Gutierrez et al. in this regard. Also, in Ueda et al., there is no teaching or suggestion that a processor receives engagement information from a second port and responsively communicates with a server through a first wireless port, ***in order to configure*** a sensor or a server. Instead, request signals for requesting the transmission of an identification signal are transmitted from the vehicle-mounted unit 16 to the portable unit 18, and an RF signal used in mutual communications between the portable unit 18 and the vehicle-mounted unit 16 enable the vehicle-mounted unit 16 to authenticate the portable unit 18 with identification information representative of an identification (ID) signal and a cryptographic code. This permits the portable unit 18 to then unlock the door of the vehicle-mounted unit 16. This has nothing to do with responsively communicating with a server through a first wireless port, ***in order to configure*** a ***sensor*** or a ***server***.

Therefore, for at least the above reasons, Claim 33 patentably distinguishes over the references.

Claims 13, 14 and 16 depend either directly or indirectly from Claim 33 and patentably distinguish over the references for at least the same reasons.

Furthermore, Claim 13 recites that the second port of the portable fob is configured for temporary or momentary ***mating*** with a corresponding port of such one of the sensors or the server. Claim 13 further patentably distinguishes over the references for similar reasons as were discussed above in connection with Claims 2 and 8.

Furthermore, Claim 14 recites that the second port of the portable fob includes a ***contact***, which closes when the second port of the portable fob temporarily or momentarily ***mates*** with the corresponding port of such one of the sensors or the server. Claim 14 further patentably distinguishes over the references for similar reasons as were discussed above in connection with Claims 3 and 9.

Furthermore, Claim 16 recites that such one of the sensors or the server includes a port; and that the second port of the portable fob is configured to physically ***mate*** with the port of such one of the sensors or the server. Claim 16 further patentably distinguishes over the references for similar reasons as discussed above in connection with Claims 2 and 8.

Claim 18 is not separately asserted to be patentable except in combination with Claim 12 from which it depends.

The Examiner rejects Claims 4-7 and 11 on the ground of being unpatentable over Gutierrez et al. in view of Wimsatt and Ueda et al. and further in view of U.S. Patent Application Publication No. 2004/0093239 (Ott et al.).

Ott et al. discloses a sensor 116 that senses a parameter of a patient's body and stores data corresponding to the sensed parameter as patient medical data. The sensor 116 records the patient medical data recorded by the sensor 116 and stores the patient medical data in a local storage mechanism (not shown). The sensor 116 is equipped with a communication interface configured to download or transmit the stored patient medical data from the sensor 116 to the remote computer 112 via a data transfer system 118 that is compatible with the communication interface of the remote computer 112. For example, the communication interface may be a Universal Serial Bus (USB) interface that is commonly found on a personal computer. In such an arrangement, the remote computer 112 includes a USB interface such that the sensor 116 transfers the patient medical data from its USB interface over the data transfer system 118 to the USB interface of the remote computer 112. The data transfer system 118 may be any type for transferring data such as a serial interface, a parallel interface, a local area network interface, an infrared interface, an optical interface, or other hard-wired or wireless interface.

Claims 4-7 and 11 depend either directly or indirectly from Claim 32 and patentably distinguish over the references for at least the same reasons. It is submitted that Ott et al. adds nothing to Gutierrez et al., Wimsatt and Ueda et al. regarding plural sensors each including a first wireless port and a second port, and a portable fob comprising a first wireless port and a second port configured for communication with such second port of one of such sensors when such second port of such portable fob ***engages*** such second port of such one of such sensors; or regarding a processor being configured to receive engagement information from a second port of a portable fob to render Claim 32 unpatentable.

Furthermore, Claim 4 recites that the second port of such one of the sensors includes a contact, which closes when the second port of the portable fob temporarily or momentarily mates with the second port of such one of the sensors; and that the wireless port of such one of the sensors sends a signature to the wireless port of the server responsive to closure of the contact of such one of the sensors. The Examiner admits (Office Action, pages 14 and 15) that Gutierrez et al., Wimsatt and Ueda et al. do not teach or suggest this recital.

The Examiner concludes (Office Action, page 15), without support, that the USB interface of Ott et al. is "read as second port of said sensor includes a contact, which closes when the second port of said portable fob temporarily or momentarily mates with the second port of said one of said sensors".

Nothing in Ott et al. (*e.g.*, cited paragraphs 0024-0027 thereof) teaches or suggests a second port of a sensor including a ***contact***, which ***closes*** when a second port of a portable fob temporarily or momentarily mates with a second port of a sensor. In fact, Ott et al. uses the word "contact" one time in an entirely different context. At paragraph 21 of the reference it is stated (emphasis added) that "a system 100 for handling the acquisition and analysis of patient medical data and patient information over a network is illustrated. Patient information is specific data such as name, address, contact information, patient medical history, medical care provider information, and medical insurance data associated with a patient 128." Clearly, this has absolutely nothing to do with a sensor including a contact, which closes.

Here, as to the USB of Ott et al. being "read as second port of said sensor includ[ing] a contact", and/or the USB connection being made to a remote computer 112 being "read as sensors send a signature to the wireless port of said server responsive to closure of the contact", it is respectfully submitted that the Examiner has not provided the requisite articulated reasoning with rational underpinnings to support the legal conclusion of obviousness. Quite simply, a connection, such as a USB connection, is not a "contact" as that term is reasonably understood by a skilled person in view of the present specification. See, for example, page 33, lines 11-19 of the present specification.

Therefore, for the above reasons, Claim 4 further patentably distinguishes over the references.

Furthermore, Claim 11 recites, *inter alia*, that the processor of the portable fob is configured to send selected information from the first wireless port of the portable fob to the wireless port of the server after the second port of the portable fob is mated with the second port of one of the sensors; and that such one of the sensors sends a signature from the first wireless port of such one of the sensors to the wireless port of the server after the second port of the portable fob is mated with the second port of such one of the sensors. The Examiner admits (Office Action, page 17) that Gutierrez et al., Wimsatt and Ueda et al. do not teach or suggest this recital.

Ott et al., which discloses that a sensor 116 transfers patient medical data over a data transfer system 118 to a remote computer 112, and which discloses that the

remote computer 112 transmits the stored patient medical data over a communication network 110 to a central server 102, adds nothing to Gutierrez et al., Wimsatt and Ueda et al. regarding a processor of a portable fob being configured to send ***selected*** information from a first wireless port of such portable fob to a wireless port of a server after a second port of such portable fob is ***mated*** with a second port of a sensor, in combination with such sensor sending a signature from a first ***wireless*** port of such sensor to such ***wireless*** port of such ***server after*** the second port of the portable fob is ***mated*** with the second port of such one of the sensors. Accordingly, Claim 11 further patentably distinguishes over the references.

The Examiner rejects Claim 15 on the ground of being unpatentable over Gutierrez et al. in view Ueda et al. and further in view of U.S. Patent No. 4,926,505 (Higuchi et al.).

Higuchi et al. discloses that when the user of a toilet leaves the seat body 11, his motion is detected by a seating detection means 96, and that it is possible to use an infrared sensor, a micro-switch or a limit switch, or a load cell for detecting the load of seating of the user as the seating detection means 96.

Higuchi et al. adds nothing to Gutierrez et al. and Ueda et al. regarding a second port of a portable fob being configured for communication with a sensor or a server when such second port ***engages*** such sensor or such server, respectively, or regarding a processor of a portable fob being configured to receive engagement information from a second port of such portable fob and responsively communicate with a server through a first wireless port, in order to configure a sensor or server to render Claim 33 unpatentable.

Claim 15 depends from Claim 13 (and Claim 33) and patentably distinguishes over the references for at least the same reasons. Claim 15 is not separately asserted to be patentable except in combination with Claim 13 (and Claim 33) from which it depends.

The Examiner rejects Claim 17 on the ground of being unpatentable over Gutierrez et al. in view of Ueda et al. and further in view of Ott et al..

Ott et al. adds nothing to Gutierrez et al. and Ueda et al. regarding a second port of a portable fob being configured for communication with a sensor or a server when such second port ***engages*** such sensor or such server, respectively, or regarding a processor of a portable fob being configured to receive engagement information from a

second port of such portable fob and responsively communicate with a server through a first wireless port, in order to configure a sensor or server to render Claim 33 unpatentable.

Claim 17 depends from Claim 33 and patentably distinguishes over the references for at least the same reasons. Claim 17 is not separately asserted to be patentable except in combination with Claim 33 from which it depends.

The Examiner rejects Claims 19-21 on the ground of being unpatentable over Gutierrez et al. in view of Ueda et al. and further in view of U.S. Patent No. 5,221,457 (North et al.).

North et al. discloses a sensor unit 50, that when fully inserted, a bar 70 (Figure 6) on the sensor unit 50 contacts and depresses microswitch actuator 118 mounted in an elastomeric membrane 119 (Figure 8). The depression of the microswitch actuator 118 signals analyzer instrument circuitry that the sensor unit 50 is fully inserted.

North et al. adds nothing to Gutierrez et al. and Ueda et al. regarding a second port of a portable fob being configured for communication with a sensor or a server when such second port engages such sensor or such server, respectively, or regarding a processor of a portable fob being configured to receive engagement information from a second port of such portable fob and responsively communicate with a server through a first wireless port, in order to configure a sensor or server to render Claim 33 unpatentable.

Claims 19-21 depend either directly or indirectly from Claim 33 and patentably distinguish over the references for at least the same reasons. Claims 19-21 are not separately asserted to be patentable except in combination with Claim 33 from which they directly or indirectly depend.

Reconsideration and early allowance are requested.

Respectfully submitted,

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